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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,721	03/04/2002	Wolfgang Pusch	A34854-PCT-USA	6109
21003	7590	06/29/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			RAMOS FELICIANO, ELISEO	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,721

Applicant(s)

PUSCH ET AL.

Examiner

Eliseo Ramos-Feliciano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/21/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-9 and 11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cai et al. (US Patent Number 5,592,181) in view of Hollenberg (US Patent Number 6,091,956).

Regarding **claim 1**, Cai et al. discloses a method for detecting the direction of movement of a mobile data memory (40) along a movement path, comprising detecting data signals of a mobile data memory in at least two different receiving locations (antenna array #1 with receiver 80 and antenna array #2 with receiver 90) along the movement path, comparing changes in the data signals (elements 120 and/or 130) at the receiving locations. See Figures 1-2 and column 2, line 45 to column 3, line 53. The invention further includes an adaptive receiver device (50; column 5, lines 37-38) which is designed as a transceiver for bi-directional exchange of the data signals with the mobile data memory (column 5, lines 33-53; column 2, lines 48-67; column 3, lines 28-36).

However, Cai et al. fails to specifically disclose the claimed indicator.

In the same field of endeavor, Hollenberg discloses a indicator (6a Figure 2; 6f Figure 4; 6j Figure 6) for the direction of movement of a mobile data memory (Figure 2, 4, 6, 11) so that the user can clearly visualize his location and direction of movement.

Because the service provider determines and monitors the location of the mobile data memory and the indicator is originated at the service provider and transmitted to the mobile data memory (the service provider location transceiver system corresponding to the adaptive receiver device) (column 8, lines 34-60), the indicator is “defined” in the adaptive receiver device as claimed.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to, provide Cai et al. with an indicator as claimed because it has the advantage of allowing the user to clearly visualize his location and direction of movement as taught by Hollenberg.

Regarding **claims 2-8**, the combination of Cai et al. and Hollenberg disclose everything claimed as applied above (see claim 1). In addition the combination further discloses:

wherein the indicator is defined by comparison of changes in received field strengths of data signals at the receiving locations;

wherein weighting factors (Y1, Y2 – Figure 2) are derived by comparison of the received field strengths of the data signals at the receiving locations in such a way that a higher or lower weighting factor is allocated to a data signal with a stronger or weaker received field strength;

wherein the indicator is defined by evaluation of the data signals weighted with the weighting factors;

defining the indicator by comparison of the data signals' type at the receiving locations;

decoding the received data signals, and defining their logical content;

wherein the indicator is defined by evaluation of a temporal sequence of the Logical content of the data signals at the receiving locations;

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wherein the logical content of the data signals is allocated to mobile data memories.

See Figures 1-2 and column 2, line 45 to column 3, line 53 of Cai et al. and column 4 line 32 to column 10, line 42 of Hollenberg.

Regarding **claims 9 and 11-14**, the combination of Cai et al. and Hollenberg disclose everything claimed as applied above (see claim 1). In addition the combination further discloses:

a device (50) for carrying out the method including an adaptive receiver having at least two antennas (60, 70) for the reception of data signals which are disposed along a movement path of a mobile data memory, and an evaluation unit (120, 130) which is connected to the antennas and which defines an indicator for the direction of movement of a mobile data memory from the data signals, and a transceiver (50 includes Tx/Rx) for two-way exchange of data signals with mobile data memories and which contains the adaptive receiver device;

wherein the antennas have antenna radiation diagrams which are aligned and focused along the movement path of mobile data memories (column 5, lines 33-53 of Cai et al.);

wherein the radiation diagrams have an overlap in relation to one another which is as limited as possible (column 5, lines 33-53 of Cai et al.);

the use of the method in an identification system having a mobile data memory attached to mobile goods, whereby data characterizing the respective goods are stored in the mobile data memory;

the device for use in an identification system having a mobile data memory attached to mobile goods (e.g. vehicle), whereby data (profile) characterizing the respective goods are stored in the mobile data memory (see e.g. column 4, lines 8-10 of Hollenberg).

See Figures 1-2 and column 2, line 45 to column 3, line 53 of Cai et al. and column 4 line 32 to column 10, line 42 of Hollengberg.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant has elected to moot arguments in view of amendments made (see page 5 of the response filed March 21, 2005). These changes have now been treated on the merits in the rejection above. See above for a detailed consideration.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 571-272-7925. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ELISEO RAMOS-FELICIANO
PATENT EXAMINER

ERF/erf

June 24, 2005